

**Vermont Housing and Conservation Board  
Guidelines  
Defining ‘Agriculture’ and ‘Agricultural Buildings’ in Conservation Easements**

Central to the task of creating and working with a farmland conservation easement is understanding the definition of "agriculture" and "farming" in the way that the Vermont Housing and Conservation Board (“VHCB”) and our conservation easement co-holders use these terms. The goal of this page is make clear these definitions.

VHCB defines agriculture as the State of Vermont does:

Agriculture is the (1) cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural crops, or orchard crops, or (2) the raising, feeding, or management of livestock, poultry, equines, fish, or bees, or (3) the operation of greenhouses, or (4) the production of maple syrup, or (5) the on-site storage, preparation, and sale of agricultural products principally produced on the farm, or (6) the on-site production of fuel or power from agricultural products or wastes principally produced on the farm.

We further clarify "agriculture" and some limitations on the definitions:

1. Agriculture includes all plants that can be grown in Vermont soils and climate, including flowers, shrubs, sod, orchard crops, fruit vines and bushes and Christmas trees. Only a minimal amount of native soil may be removed and sold with such crops. We will require a plan for horticultural crops showing how the farmer will keep soil loss to a minimal amount.
2. Raising or breeding of cattle, sheep, goats, horses and other equines, bees, swine, poultry, llamas and other camelids, emus and other raticities, fish, game fowl, deer and other cervidae are considered to be agriculture. Horse shows and competitions are not considered to be agriculture. Boarding, and training of horses, the instruction of people in handling horses and horse riding where the general public is invited and fees are charged are agriculture. (This is slightly different than the Act 250 definition of equestrian agriculture. The Act 250 rules require a permit for horseback riding and lessons in which members of the general public bring their horses to the farm and a fee is charged.) Riding arenas are allowed in a designated building complex only.
3. Certain other agricultural structures may (or will) be permitted only in designated building complexes because they displace large amounts of agricultural soils and drive farm conversion and subdivision requests. Many older complexes are so small that we allow complex expansion up to a total of 6% of the conserved crop and pastureland. This allows agricultural activities to expand.
4. The production of maple sap, maple syrup and maple candy is also agriculture.
5. The on-site storage, preparation, and sale of agricultural products principally (51%) produced on the farm are all considered agriculture and the buildings for these uses must be contained within a designated agricultural building complex.

6. The on-site production of fuel or power from agricultural products or wastes principally (51%) produced on the farm is considered agriculture and the buildings for these uses must be contained within a designated complex.

Generally, structures should be located within a designated building complex. Where this is not the best site, agreements may be reached to locate a structure elsewhere.

If it is not inconsistent with the conservation easement, the term “the farm” when used in this Information Series includes land that is owned by the farmer, and land that is leased by the farmer and over which the farmer has actual day-to-day management control. To be considered as part of “the farm,” owned or leased land must be actively managed as part of, and integral to the agricultural operation to which approval for the on-site storage, preparation, and sale of agricultural products or energy is most closely linked. Leased land will not be considered part of “the farm” if that land is leased primarily to meet or exceed the 51% on-site production test.